

BUILDING AND STANDARDS MEETING
Monday, June 13, 2011

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The Building and Standards Commission of Bedford, Texas, met at Bedford City Hall, 2000 Forest Ridge Drive, Bedford, Texas, Monday, June 13, 2011 at 6:00 p.m. for a planning work session, followed by the meeting at 6:30 p.m.

MEMBERS PRESENT

Randy Youngs (Chairman)
Harold Knorr
Ron Owens (Vice Chair)
Pamela Camp

The above attendance constitutes a quorum for the meeting.

STAFF PRESENT

Russell Hines, Building Official
Tommy Peterson, Code & Inspections Manager
Charlotte Nadin, Development Department Secretary

(The following items were considered in accordance with the official agenda posted on the 9th day of June, 2011.)

CALL TO ORDER

Chairman Youngs called the meeting to order at 6:30 p.m. and addressed the first item of business which was the election of Chair and Co-Chair. Harold Knorr made the motion to elect Randy Youngs as Chairman and Ron Owens as Co-Chair. Pam Camp seconded the motion. The motion passed unanimously.

Ayes: Commissioners, Youngs, Owens, Knorr, Camp.

Nays: None

Abstentions: None

Chairman Youngs addressed the next item, which was the review and approval of the minutes from the previous meeting.

APPROVAL OF MINUTES

The minutes from Monday, November 29, 2010, were reviewed. The Chairman asked if there were any questions or comments. There were none. Chairman Youngs then asked if there was a motion regarding the minutes.

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Ron Owens made the motion to accept the minutes. Harold Knorr seconded. The vote was unanimous.

Ayes: Commissioners, Youngs, Owens, Knorr, Camp.

Nays: None

Abstentions: None

Chairman Youngs declared the motion approved.

OLD BUSINESS

There being no old business, new business was addressed.

Chairman Youngs stated that before they addressed the new business he wanted to familiarize the general public with the procedures of this meeting. He then summarized the Building and Standards Commission procedure statement with the general public by reviewing the meeting format and procedure for the evening. This information is shared prior to each meeting held by the Building and Standards Commission.

He also commented any waiver needed to be based on the legitimate reasons or justifications that are in the Sign Ordinance. The request for the waiver needed to be based upon a unique condition that is found in the building, sign, or location. It needs to be consistent with other buildings with the same zoning and is really based upon the zoning category that the business is in.

NEW BUSINESS

Chairman Youngs addressed the first item of business:

This is a public hearing to review and discuss a request for waiver B11-001. The applicant is representing the Motel 6 located at 2904 Crystal Springs Drive in Bedford and is requesting to install a pole sign that is (50) fifty feet in height such as signs that are allowed by the Sign Ordinance on properties located adjacent to the Freeway. This property is not located immediately adjacent to the Freeway which restricts the pole sign to Non-Freeway regulations of (25) twenty five feet in height. The applicant's request necessitates a waiver from the City of Bedford Sign Ordinance, Section 6-71.

The Chairman asked if anyone representing the City wanted to speak regarding this request. Russell Hines, Chief Building Official for the City of Bedford, stepped forward, stated his name and title and reviewed the waiver request.

Russell stated that the applicant representing the Motel 6 located at 2904 Crystal Springs Drive in Bedford is requesting to install a pole sign that is (50) fifty feet in height such as signs that are allowed on properties located adjacent to the Freeway. In our Sign Ordinance, Section 6-71 allows for 50 foot pole signs for businesses adjacent to the freeway. Pole signs located on non-freeway property are limited to 25 feet in height. A waiver from the Building and Standards Commission would be required for them to continue with such. Russell stated that several businesses surround the property: a bank, a couple of restaurants, some self storage buildings, an automotive place and probably 300 yards to the northwest are multi-family residences. This would be your closest proximity to a residential neighborhood.

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There are properties that are not located immediately adjacent to the Freeway and the Sign Ordinance restricts those pole signs to (25) twenty five feet in height, according to Section 6-71, Non-Freeway regulations. Russell commented that there were some representatives present and if the commission had no questions for him, he would step aside and allow them to speak.

The Chairman asked if there were any questions for Russell from the commission. The Chairman asked what type of street Crystal Springs was listed as, compared to Harwood Road. Russell stated that Harwood is listed on the Comprehensive Plan Review as a thoroughfare and Crystal Springs is listed as a residential street. Randy then asked about the maximum building height per the Building Codes. Russell responded that the maximum building height is 35 feet and there were allowances for setbacks as well.

The Chairman asked if there were any more questions from the commission. There were none. The Chairman then asked if there was anyone to speak representing Motel 6 or the sign company.

The Chairman reminded them that anyone speaking at the podium needed to sign in by printing their name. (The spelling of their name is based on their handwritten sign-in.) Ahmep Sagirvodin, Buddy Islam and Mohammad Sherf were in attendance representing the motel. Mr. Sagirvodin stepped forward stating he was president of Together Six, LLC. He stated that they bought the motel last year from Comfort Inn who was not doing to good and changed the name to Motel 6 in October of last year. He stated that Motel 6 at that location had a hardship going on and that no one could see them if they were traveling north to south on the freeway. He stated the property was just 250 feet from the freeway and that was why they requested the 50 foot signage, because no one could see the sign at 25 feet. The ordinance says 25 feet, but at 25 feet nobody could see it.

The Chairman asked if the sign was currently there and Mr. Sagirvodin stated that it wasn't there yet, but they wanted to put it there. The commission reviewed the drawing he handed to them of the pole sign. He stated that Motel 6 studied nationwide and according to the study of Motel 6's customers, 67 percent of them drive to the location and make a decision to stay within 30 minutes of arriving at the hotel. He stated that his customers have trouble finding the hotel and call from their cars asking for directions. He referred to the letters from customers and employees that were attached. He felt a taller sign would help them locate the business from the freeway and bring more revenue to Bedford.

Pam Camp asked what current sign height was for that area. They discussed the different height as it related to the zoning for the area and its signs. The Chairman stated he had not heard a justification for the waiver which falls within the requirements in our ordinance for this sign. The representative had talked about their financial impact for the location, but had not really talked about what the unique condition for that property was. That is what is in the sign ordinance and the commission had to look at how it fits into other businesses that are similarly zoned. That was according to his understanding of the sign ordinance and that was what needed to be addressed for a waiver.

Randy remarked that one of the letters made a comment about the intent of the ordinance. Just to clarify, the Chairman stated that one of the primary intents is to have a consistent treatment based upon how the properties are zoned. That was what the commission was trying to do. That is why you are asking for a waiver. Another comment in the letter was to ask why the height is different for signs on the freeway. The height is different because the freeway is predominantly raised, elevated, and the ordinance makes up for that with the height and the visual acuity. Chairman Youngs stated he was still looking for them to state what was unique about this building and structure.

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The Chairman asked if the commission had any questions for Mr. Sagirovidin. Mr. Knorr asked Mr. Sagirovidin what he estimated the increase in business for that sign would be when put up. Mr. Sagirovidin referred again to the Motel 6 study and that their decision was price driven with customers deciding within 30 minutes of arriving at the motel location whether they will stay or not. He stated the sign would help them and help the customers.

Randy asked if the company had done a flat-line analysis, and particularly, not from the freeway but from the residential areas just down the street. Mr. Sagirovidin stated the business is surrounded by commercial properties and there were apartments but it was three or four minutes travel to residential.

The Chairman commented that when the sign was raised up an additional 25 feet, you would see it farther particularly at night. He had wondered if there was some kind of analysis done on how that would impact the surrounding residential properties farther down Crystal Springs or Susan. Mr. Sagirovidin stated the lighting of the sign was too far away to affect the residences. They reviewed the drawing of the sign, the placement of freeway frontage signs and other signs lighting, McDonald's and Jack-In-The-Box was discussed briefly as they related to the highway and Harwood Road.

Ron Owens asked if the property to the east behind the hotel was full commercial to which Russell stated it was. Ron asked if the lot at Harwood and Crystal Springs Road was commercial and if the lot directly across the street from the hotel on Crystal Springs north of the storage was also commercial. Russell stated that they were. Ron asked, based on the zoning, what type of businesses could actually be put on those lots.

Russell commented that all of the area Ron was talking about is zoned commercial, to which Ron replied that his concern was with the residential property that sets directly across the street from the hotel, as far as lighting on the sign, and that was what he believed the Chairman was trying to bring forth as to what impact that would have considering the positioning of the sign on the site plan. Randy asked Mr. Sagirovidin if he had any other questions or comments.

Mr. Sagirovidin said he would appreciate if the commission would approve the sign to sustain business. He felt that the area would grow and was concerned about the impact it would have on his business. He felt the sign's placement would create two or three more jobs if they could get more support from the City. He wanted to say on behalf of the members present that they invest in business in the Bedford area.

Ron Owens asked if Mr. Sagirovidin had done any demographic studies on the property prior to its purchase. He said yes, Motel 6 did. Ron asked what the study told him. Mr. Sagirovidin replied that Motel Six was a sign-driven business, and he asked if the commission had the letters he had attached. They were affirmative that they did have all the letters.

Chairman Youngs stated that he had read the letter, but none of the things on the letter had addressed what is noted in the Sign ordinance that would give the commission the ability to give a relief to the ordinance. Ron Owens also stated that he had read the letter. He remarked, when they are out there trying to buy a piece of property, unfortunately, the last thing people think about is signs, when they buy a property. Then they get put in the dilemma of trying to overcome it. He wondered in their demographic study if they had known what the sign ordinance was and that the property didn't fall in the demographic to have that sign there.

Mr. Sagirovidin stated that when it was Comfort Inn it was reservation driven, but Motel 6 was like a restaurant that depended on the sign getting their attention. Ron stated he understood that but it still

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went back to the same question, when they looked at the property, knowing that Motel 6 wasn't reservation driven, to me that would have been the first red flag that went up can we get our signage up high enough to where people can see us. Our ordinance is set up this way for a reason. We have to look at it from the standpoint of what really constitutes allowing you to go 50 feet up in the air.

After a pause in the conversation, Russell stepped to the mike stating other people wanted to speak. Mr. Saqirovidin was finished, so he stepped away allowing the next person to come forward.

He identified himself as, Mr. Buddy Islam, part owner of Motel 6. You asked why we want to change the ordinance for the sign. The area is nothing but commercial, McDonald's, Texas Road House, Jack-In-The Box, these are all high-rise signs, 50 feet or above. Our property is behind the Jack in the Box and the church. Crystal Springs is a very short residential road. Their signs can be seen from the highway. All their signs are high, but ours. We have a building sign. We had no pole sign at all. When we found out why our customers were not coming, as we stated that there were already several high-rise signs. The Motel 6 property was set back and the higher signs blocked visibility of the hotel location. He stated they were in the middle of everyone's high-rise sign and they were buried from them. As the City of Bedford works with businesses, they felt the City of Bedford could help them by changing the waiver.

The Chairman explained again that the frontage road properties were allowed the 50 foot sign by the ordinance, and that the Motel 6 property was not on the frontage road and therefore restricted. The Chairman called for any additional comments or questions.

Pep Boys sign was brought up, that it was not on a frontage road and on a higher elevation. Russell stated that Motel 6 was on a lower elevation than Pep Boys. After a brief discussion, the Chairman asked if there was anyone else to speak.

Mr. Mohammad Sherf signed in and spoke for Motel 6. He spoke on was the motel location. From the north side, the exit on Harwood it is just a small piece of property. On the McDonald's side, the Chevron station use to be in that area with its signs. Coming from the south side the McDonald's and the Jack-In-The Box sign and the area we are talking about is west of the Wells Fargo bank. He then returned to his seat.

The Chairman called for additional questions. There being none the Chairman stated that any decisions made would have to go back to the ordinance, based on what gives us the ability to grant a waiver. What he had heard from them was an economic need or hardship from the business. What constitutes a granting of the ordinance would be if it is technically platted as being on the freeway. The downside is many. This property does not have any frontage along the freeway. Other properties in the area also do not have frontage property along the freeway, so they could say, "If they have a 50 foot sign, why can't I? Personally, I think we are opening up for a lot of waivers, if we would in fact approve this. The Chairman asked if there was discussion or comment about his statement.

Ron Owens elaborated on several of his concerns were exactly what the Chairman was saying. If we grant this waiver, he could see Pep Boys, the Self-Storage facility and other businesses not zoned for freeway frontage, coming before the commission wanting to raise their signs up in the air to be seen from the freeway. Plus there were three open commercial lots, when they come in they would want their signs raised up in the air and that's only one part of the city. It doesn't fit. I think it would create a precedent that we wouldn't be able to handle. We could go up and down throughout the city from the Airport freeway to Highway 121 with several different businesses and run into the same thing. He

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stated he was going to have to agree with the Chairman. The Chairman called for comment on the discussion.

Buddy Islam commented on the empty lot to the west of their property that was already higher than the Motel 6 property. That property was already seen from the highway and he felt they would not need a 50 foot sign to be seen. The Motel 6 property was on a lower elevation. He felt their justification was there with the other property being higher than Motel 6.

The Chairman responded that the elevation to the street or freeway was not a valid comparison. The point was that the Motel 6 property was not on the freeway. He compared it to the waiver they gave to the movie sign at Central and Hwy 121 due to the highway elevation blocking everything there (on their frontage property), but he did not see the elevation being a justification to this property due to the street that it was located on.

Pam agreed with the Chairman. The Chairman asked for any more discussion. There was none. The Chairman called for a motion on the waiver.

Ron Owens made the following motion:

MOTION:

To deny the waiver based on the fact that no real justification has been presented that would coincide with the waiver abilities in the sign ordinance.

Pamela Camp seconded the motion. The Chairman called for discussion.

The Chairman stated that the commission wanted to be consistent with the other signs along Crystal Springs and the other properties in the area which were also in the sign ordinance because they would be restricted to the same. One of the mandates in our ordinance is we must be consistent based upon similar zoning and location. The Chairman called for a vote.

The vote was unanimous to deny the waiver.

Ayes: Commissioners, Youngs, Owens, Knorr, Camp.

Nays: None

Abstentions: None.

Chairman Youngs declared the motion approved. The Chairman reiterated that the denial was based upon not receiving justification consistent with our sign ordinance in maintaining consistency within the zoned properties.

ADJOURNMENT

Chairman Youngs asked if there was other business to be brought before the board. Chairman Youngs determined that there was no further business and called for a motion to adjourn.

Harold Knorr made the motion. Ron Owens seconded. The vote was unanimous.

Ayes: Commissioners, Youngs, Owens, Knorr, Camp.

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Nays: None
Abstentions: None

The Chairman adjourned the meeting at 7:24 p.m.

Chairman Randy Youngs

Date